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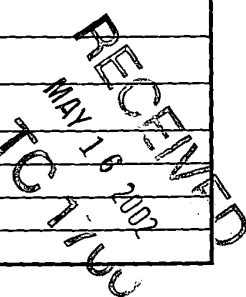
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	Application Number	09/827,863
	Confirmation Number	6081
	Filing Date	April 6, 2001
	First Named Inventor	Prosise, et al.
	Group Art Unit	1761
	Examiner Name	Unknown
Attorney Docket Number	8037M	



### U. S. PATENT DOCUMENTS

EXAMINER INITIALS*	Cite No. <sup>1</sup>	DOCUMENT NUMBER Number - Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
JH		3,751,569	09/07/1973	Erickson	
		4,112,123	09/05/1978	Roberts	
		4,338,346	07/06/1982	Brand	
		4,399,163	08/16/1983	Brennan, et al.	
		4,423,029	12/27/1983	Rizzi	
		4,411,925	10/25/1983	Brennan, et al.	
		4,668,525	05/26/1987	Creswick	
		4,680,193	07/14/1987	Lunder, et al.	
		4,935,256	06/19/1990	Tsai	
		5,132,113	07/21/1992	Luca	
		5,242,697	09/07/1993	Luca	
		5,643,623	07/01/1997	Schmitz, et al.	
		5,834,044	11/10/1998	Schmitz, et al.	
		5,879,733	03/09/1999	Ekanayake, et al.	
		6,207,203	03/27/2001	Atkinson, et al.	

### FOREIGN PATENT DOCUMENTS

EXAMINER INITIALS*	Cite No. <sup>1</sup>	FOREIGN PATENT DOCUMENT Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
JH		WO 99/12030	03/11/1999	Foley, et al.		

### OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

EXAMINER INITIALS*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>6</sup>
JH		Pennington, J., Bowes & Church's Food Values of Portions Commonly Used, 17th edition, 1998, Lippincott, Philadelphia).	
		Adam Drewnowski, <i>Trends in Food Science &amp; Technology</i> , April, 1992	
		FDA Labeling Rules as contained in 21 CFR § 101.12	
		Troller, J.A. 1980, Influence of Water Activity on Microorganisms in Foods, <i>Food Technology</i> , 34:76-80	
		Lemon, P. (1998) Effects of exercise on dietary protein requirements, <i>International Journal of Sport Nutrition</i> , 8:426-447.	
		Crouse, J.R. et al., <i>Arch Intern Med</i> , 1999, 159:2070-2076 (Pike, R.L. and Brown, M.L., 1975, <i>Nutrition: An Integrated Approach</i> , 2nd ed., Wiley, New York).	
		Garrison, R. and Somer, E., <i>The Nutrition Desk Reference</i> , 3rd edition, 1995, Keats Publishing, New Cannan, CT).	
		The Surgeon General's Report on Nutrition and Health, 1988, U.S. Department of Health and Human Services Publication No. 88-50210, Washington, DC;	
		National Research Council, 1989, <i>Diet and Health: Implications for Reducing Chronic Disease Risk</i> , The Committee on Diet and Health, National Academy Press, Washington, DC).	
		Glueck, C. J., Jandacek, R. J., Hogg, E., Allen, C., Baehler, L., and Tewksbury, M. (1983) Sucrose polyester: substitution for dietary fats in hypocaloric diets in the treatment of familial hypercholesterolemia. <i>Am. J. Clin. Nutr.</i> 37, 347-354) and plant sterols and plant sterol esters	
		Mattson, F.H., Grundy, S.M., and Crouse, J.R. (1982) Optimizing the effect of plant sterols on cholesterol absorption in man. <i>Am. J. Clin. Nutr.</i> 35, 697-700; U.S. Patent 3,751,569, B. A. Erickson	
		Westrate, J.A., and Meijer, G. W. (1998) Plant sterol-enriched margarines and reduction of plasma total- and LDL-cholesterol concentrations in normocholesterolemic and mildly hypercholesterolemic subjects. <i>Eur. J. Clin. Nutr.</i> 52, 334-343).	

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	Smith et al., "Overview of Salatrim, a Family of Low-Calorie Fats", J. Agric. Food Chem., 42:432-434, (1994)	
	Softly et al., "Composition of Representative Salatrim Fat Preparations", J. Agric. Food Chem., 42:461-467, (1994).	
	Code of Federal Regulations; 21 CFR § 101.9	
	Brown, L. et al., <i>Am J Clin Nutr</i> , 1999, 69:30-42).	
	Anderson, J.W. and Akanji, A.O., 1993, in CRC Handbook of Dietary Fiber in Human Nutrition, 2nd edition, G.A. Spiller, ed., CRC Press	
	Bruns, <i>Biochem. Pharmacol.</i> , 30, 325-333, (1981)	
	Food and Nutrition Board of the National Academy of Sciences (Food and Nutrition Board, 1989, <u>Recommended Dietary Allowances</u> , 10 ed., National Research Council, National Academy of Sciences, Washington, DC	
	Food and Nutrition Board, 1989; Gregory, J.F., 1996, "Vitamins", in <u>Food Chemistry</u> , 3 <sup>rd</sup> ed., O.R. Fennema, ed.	
	<u>Introduction To Statistics</u> by Ronald E. Walpole, 3rd Edition (1982) New York, New York. pages 24 and 35 of Chapter 2 and page 258 of Chapter 9	
	Raising the Health and Energy Bar, Food Product Design, James C. Burg (Technical Ed.), July 1998	
	Dietray Fiber: A Healthy Discussion, Food Product Design, Ronald C. Deis, Ph.D., January 1999.	
	Functional Foods: Figuring out the Facts, Food Product Design, Andrea Platzman (Contributing Ed.), November 1999.	
	Bar Talk, Food Product Design, Lisa Kobs (Contributing Ed.), September 1999.	
EXAMINER	Helen Pratt	DATE CONSIDERED 1-23-03

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